

REMARKS

Claims 16-32 are pending in the application, with claims 16, 21 and 26 being independent. Claims 16, 21, and 26 have been amended and claim 33 has been cancelled. Support for the amendments to the claims may be found in the application at, for example, page 13, lines 17-25; page 14, lines 5-7; and Fig. 4D. In addition, the title and abstract have been replaced. No new matter has been introduced.

The action indicates that the information disclosure statement filed with the application on November 17, 2003, fails to comply with 37 CFR 1.98(a)(2), since copies of foreign patent documents and non-patent literature were not provided. Applicant respectfully disagrees, and notes that the references were not required because they were all cited in an earlier application properly identified in the information disclosure statement in accordance with 37 CFR 1.98(d)(1), where the information disclosure statements in the earlier application were in compliance with 37 CFR 1.98(a) to (c) as required by 37 CFR 1.98(d)(2). In view of this, applicant requests that the Examiner consider the references and return an initialed copy of the form PTO-1449 with the next correspondence regarding this matter.

The specification and abstract have been amended in response to the Examiner's objections. The amendments are believed to address the Examiner's concerns.

Claim 26 has been amended in response to the rejection under section 112, second paragraph. Applicant requests reconsideration and withdrawal of this rejection in view of the amendment.

Claims 16-33 have been rejected as being anticipated by Yamazaki (U.S. Patent No. 6,198,133). Applicant requests reconsideration and withdrawal of this rejection because Yamazaki does not describe or suggest a second interlayer insulating film provided over the conductive layer to provide a leveled upper surface over the semiconductor layer, as recited in each of the independent claims. While Yamazaki describes a passivation film 528, this film, as shown in Fig. 5G of Yamazaki, does not have a leveled upper surface.

Applicant submits that all claims are in condition for allowance.

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Page : 7 of 8

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Enclosed is a \$300 check for the Information Disclosure Statement fee (\$180) and the Petition for Extension of Time fee (\$120). Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 6/22/05



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